

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV-10879-JLT

KIMBERLY GENEREUX,)	
Plaintiff)	
)	
v.)	PLAINTIFF'S LIMITED OPPOSITION
)	TO DEFENDANTS' MOTION FOR
)	<u>LEAVE TO FILE REPLY BRIEF</u>
COLUMBIA SUSSEX CORPORATION,)	
STARWOOD HOTELS & RESORTS)	
WORLDWIDE, INC., and)	
WESTIN HOTEL MANAGEMENT, L.P.,)	
Defendants)	

Kimberly Genereux, the plaintiff, hereby opposes the Defendants' Motion for Leave to File a Reply Brief to the following limited extent and for the following reasons.

The plaintiff does not oppose the allowance or length of the reply requested by the defendants. However, the plaintiff requests that the defendants' reply be ordered to be filed by 5:00 p.m. on Friday, March 28, 2008, and that the plaintiff be allowed to file a sur-reply, if necessary, by noon on Monday, March 31, 2008, so that the plaintiff may correct any additional misrepresentations made by the defendants. In support of her position, the plaintiff cites the Court to the Affidavits of Robert J. Brown, Theodore Mitchel, John McGovern, and Niels R. Olsen, and to the defendants' Opposition to the plaintiff's request for a three day extension of time to file her Opposition to the defendants' summary judgment motion as demonstrating the defendants' history of abusing the Rules of Civil Procedure, misrepresenting facts, failing to disclose witnesses, and trying

to deny the plaintiff the time and ability to correct the record.

The plaintiff further states that she notified the defendants that she would assent to the instant defense motion provided the defendants would modify their motion as indicated. A copy of the plaintiff's e-mail so stating is filed herewith. They have refused to do so.

The Plaintiff,
By her Attorney,

MARK F. ITZKOWITZ (BBO #248130)
85 Devonshire Street
Suite 1000
Boston, MA 02109-3504
(617) 227-1848
March 27, 2008

CERTIFICATE OF SERVICE

I, Mark F. Itzkowitz, counsel for the plaintiff, hereby certify that on this date, I made service of the within document by serving it electronically to registered ECF participants and/or by mailing/faxing/hand-delivering a copy of same to non-registered ECF participants as indicated on the Notice of Electronic Filing ("NEF"), upon the following counsel of record:

John B. Johnson, Esquire
Corrigan, Johnson & Tutor, P.A.
141 Tremont Street
Boston, MA 02111; and

Robert J. Brown, Esquire
Mendes & Mount, LLP
750 7th Avenue
New York, NY 10019-6829.

s/ Mark F. Itzkowitz
MARK F. ITZKOWITZ (BBO #248130)

Dated: March 27, 2008

Mark Itzkowitz

From: "Mark Itzkowitz" <MItzkowitz@hotmail.com>
To: "John Johnson" <john.johnson412@verizon.net>
Sent: Thursday, March 27, 2008 1:30 PM
Subject: Re: Genereux v. Columbia, et al

Hi John:

I will assent if you will make the following two changes:

1. Change the due date to 5:00 p.m. tomorrow; and
2. Add an agreement that the plaintiff can file a sur-reply by noon Monday.

As to George Town Hospital, I have received nothing but a fax saying that I was to receive a reply to the request when the Medical Records Manager returned to the Island. The return date has passed. I received nothing else. As you know, they refused my previous requests to release records.

Thanks,

Mark Itzkowitz

----- Original Message -----

From: John Johnson
Sent: Thursday, March 27, 2008 12:22 PM
To: Mark Itzkowitz
Cc: Brown, Robert J.
Subject: Genereux v. Columbia, et al

Mark,

Attached is the motion for leave to file reply brief which I mentioned in my voicemail to you. Please let me know if you will assent to this motion.

Thanks.

Very truly yours,

John B. Johnson
Corrigan, Johnson & Tutor, P.A.
141 Tremont Street
Boston, MA 02111
617-338-0075 tel
617-338-4244 fax

3/27/2008